

AUTHORIZING SETTLEMENT OF INDIVIDUAL CLAIMS OF NAVAL PERSONNEL FOR DAMAGE TO PRIVATE PROPERTY SHIPPED FROM PEARL HARBOR, T. H., TO SAN FRANCISCO, CALIF.

OCTOBER 28 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 273]

The Committee on Claims, to whom was referred the bill (H. R. 273) authorizing settlement of individual claims of naval personnel for damage to private property shipped from Pearl Harbor, T. H., to San Francisco, Calif., having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 627, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

[H. Rept. No. 627, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 273) for the relief of Lt. Comdr. Walter H. Schwartz (Medical Corps), United States Navy, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Amend title so as to read: "A bill to authorize settlement of individual claims of naval personnel for damage to private property shipped from Pearl Harbor, Hawaii, to San Francisco, California."

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,592.27 to the persons whose names appear below, as compensation in full for damages to their private property shipped from Pearl Harbor, Hawaii, to San Francisco, California, on or about December 27, 1941, on a vessel chartered by the Navy Department for the purpose of evacuating families of naval personnel from Hawaii: Wilma L. Aeschliman, \$167.15; Commander Lysle W. Cease, United States Navy, \$178.67; Carpenter Robert A. Dusch, United States Navy, \$175.83; Grace Lee Gench, wife of E. L. Gench, chief machinist's mate, United States Navy (deceased), \$867.73; Lieutenant (Junior Grade) Charles A. Giermann, United States Navy, \$321.50; Donald E. Harvey, aviation metalsmith, first class, United States Navy, \$26.50; Machinist E. F. Kyne, United States Navy, \$198.00; Mrs. O. A. Martin, wife of

O. A. Martin, torpedoman, first class, United States Navy, \$655.63; H. L. Pott, chief water tender, United States Navy, \$66.00; Mrs. V. E. Pruess, wife of V. E. Pruess, radioman, first class, United States Navy, \$700.92; Mrs. W. H. Schwartz, wife of Lieutenant Commander W. H. Schwartz, United States Navy, \$1,599.38; L. P. Smith, chief boatswain's mate, United States Navy, \$190.00; Lieutenant Commander A. M. Townsend, United States Navy, \$400.69; Commander J. P. Wood, United States Navy, \$886.85; Anna T. Guthrie, wife of F. Guthrie, chief boatswain, United States Navy, \$473.67; Reuben J. Kemper, carpenter's mate, first class, United States Navy, \$161.00; Jim Caudel, radioman, first class, United States Navy, \$333.42; Carpenter H. L. Powers, United States Navy, \$189.33: *Provided*, That, if any of the beneficiaries under this Act are deceased payment herein authorized shall be made to their heirs: *And provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay to the parties above named the respective sums designated, and totaling \$7,592.27, as compensation in full for damages to their private property shipped from Pearl Harbor, Hawaii, to San Francisco, Calif., on or about December 27, 1941, on a vessel chartered by the Navy Department for the purpose of evacuating the families of naval personnel from Hawaii.

STATEMENT OF FACTS

The records of the Navy Department disclosed that the effects belonging to naval personnel listed in the bill as amended were shipped on the S. S. *Cadaretta* chartered by the Navy Department under contract N-220s-65213 of December 27, 1941. The ship proceeded under escort in convoy and necessarily had to maintain the course and speed ordered. The ship being light, the encountering of heavy weather loosened the rivets with resulting leakage. The loading and unloading of the household effects of the naval personnel concerned were performed by personnel of the Naval Establishment.

Upon arrival of the vessel in San Francisco, Calif., the local naval authorities made an inspection of the cargo and it was ascertained that 361 cases of household effects, weighing 61,321 pounds, were received on board the vessel for 22 consignees. For ballast purposes, the cases were stored in the No. 1 hold during the journey. The records indicate that of the 361 cases shipped 138 cases showed definite damage from water and oil, 63 cases showed definite water damage, while 160 cases were in apparent good order.

There was submitted to the Navy Department 18 claims for reimbursement in the sum of \$11,048.42 as a result of the damage to the effects shipped on the vessel. After due consideration by the Navy Department, it has been administratively determined that the sum of \$7,592.27 will adequately compensate the 18 claimants for the damage to their personal effects.

The bill was introduced for the relief of Lieutenant Commander Schwartz, but in response to your committee's customary request for departmental report, the Navy Department advised your committee that not only Lieutenant Commander Schwartz, but other naval personnel, had sustained damage, and recommended that the bill be amended and passed to afford relief to all of such personnel. The bill has been so amended, and your committee believe that such relief should be provided, as recommended by the Navy Department.

Your committee, therefore, recommend favorable consideration of the proposed legislation.

Appended hereto is the report of the Navy Department. Itemized lists of the damaged property, with respective values as administratively determined, are on file with the Navy Department.

NAVY DEPARTMENT,
Washington, May 20, 1943.

The CHAIRMAN,
Committee on Claims, House of Representatives,
Washington, D. C.

MY DEAR MR. CHAIRMAN: The bill (H. R. 273) for the relief of Lt. Comdr. Walter H. Schwartz (Medical Corps), United States Navy, was referred to the Navy Department by your committee with request for views and recommendation relative to the measure.

The purpose of the proposed legislation is to reimburse Lt. Comdr. Walter H. Schwartz (Medical Corps), United States Navy, for damage to his household effects while in shipment from Honolulu to San Francisco.

The records of the Navy Department disclose that the effects of this officer as well as the effects belonging to other naval personnel, were shipped on the steamship *Cadaretta*, chartered by the Navy Department under contract N-220s-65213 of December 27, 1941. The ship proceeded under escort in convoy and necessarily had to maintain the course and speed ordered. The ship being light, the encountering of heavy weather loosened rivets with resulting leakage. The loading and unloading of the household effects of the naval personnel concerned were performed by personnel of the Naval Establishment.

Upon arrival of the vessel at San Francisco, Calif., the local naval authorities made an inspection of the cargo and it was ascertained that 361 cases of household effects, weighing 61,321 pounds, were received on board the vessel for 22 consignees. For ballast purposes, the cases were stored in the No. 1 hold during the journey. The records indicate that of the 361 cases shipped 138 cases showed definite damage from water and oil, 63 cases showed definite water damage, while 160 cases were in apparent good order.

There were submitted to the Navy Department 18 claims for reimbursement in the sum of \$11,048.42, as a result of the damage to the effects shipped on the above-mentioned vessel. After due consideration by the Navy Department, it has been administratively determined that the sum of \$7,592.27 will adequately compensate the 18 claimants for the damage to their personal effects.

Accordingly, the Navy Department recommends that legislation be enacted to reimburse the persons enumerated in the enclosed revised draft of bill.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of the proposed legislation to the Congress.

Sincerely yours,

JAMES FORRESTAL, *Acting.*

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